



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

ENFORCEMENT CONFIDENTIAL

MEMORANDUM

SUBJECT: Completeness Determination Regarding Oklahoma Department of Agriculture, Food and Forestry (ODAFF) Partial Program Submission (Documents Relating to Enforcement and Compliance Issues)

FROM: Mark Pollins, Director
Water Enforcement Division
Office of Civil Enforcement

TO: William Honker, Acting Director
Water Quality Protection Division
Region 6

Pursuant to this memorandum, I concur with Region 6 that the enforcement and compliance related documents within the partial program approval package submitted by the Oklahoma Department of Agriculture, Food and Forestry (ODAFF) are complete. Region 6 has requested headquarters' concurrence on completeness by September 12, 2012.

Delegation 2-34 provides that no determination shall be made regarding the completeness of a State program . . . without the concurrence of the Assistant Administrators (AA) of the Office of Water (OW) and the Office of Enforcement and Compliance Assurance (OECA) and Regional Counsel. (See Delegation 2-34, Limitation (a)). The AA-OECA's concurrence authority has been redelegated to the ORE (now OCE) Division Director. See 1994 OECA Redelegations Manual at 5. The AA-OW, AA-OECA (redelegated to ORE Division Director), and Regional Counsel also have concurrence authority with respect to final program approval. Delegation 2-34.

Specifically, we have reviewed ODAFF's submission to ensure the elements described in 40 C.F.R. § 123.26 (requirements for compliance evaluation programs) and 40 C.F.R. § 123.27

(requirements for enforcement authority) have been satisfied. The ODAFF documents we have reviewed for completeness are:

- Relevant provisions of the Oklahoma Agriculture Pollutant Discharge Elimination System Act, § 2-2A-1 *et seq.*
- Memorandum of Agreement (MOA)
- Statement Of Legal Authority (SOLA)
- Program Description chapters 8 (compliance program) and 9 (enforcement program)
- Enforcement Management System (EMS) chapters 3 (compliance review), 4 (compliance inspections), and 5 (enforcement evaluation).

In providing this concurrence regarding completion on enforcement and compliance related documents submitted by ODAFF, WED staff has coordinated closely with staff from the Office of Compliance (OC) and the Office of Criminal Enforcement, Forensics and Training (OCEFT). We have also appreciated the opportunity to participate in a work group consisting of staff from Region 6, the Office of Water (OW), and the Office of General Counsel (OGC) and ODAFF over the last three years to identify and resolve issues.

cc: Mike Fisher, OCEFT
Randy Hill, OW-OWM
Edward J. Messina, OC